ORGANIZED VILLAGE OF SAXMAN
SAXMAN I.R.A. COUNCIL

ROUTE 2, BOX 2 – SAXMAN, KETCHIKAN, ALASKA 99901 · FAX: (907) 247-2504 · PHONE (907) 247-2502

RECEIVED
OCT 14 2010
BUREAU OF INDIAN AFFAIRS
OFFICE OF THE REGIONAL DIRECTOR

September 21, 2010

Mr. Eugene Virden
Acting Regional Director
Bureau of Indian Affairs
P.O. Box 25520
Juneau, Alaska 99802

Dear Mr. Eugene Virden,

Enclosed you will find amendments to our present *1962 Constitution and ByLaws of the Organized Village of Saxman*. The new proposed revision of amendments appear in a clean version which reads exactly the way the Saxman I.R.A. Council wants the *2010 Amended Constitution and ByLaws of the Organized Village of Saxman* to read.

The adoption of proposed amendments is authorized through the Organized Village of Saxman, Saxman I.R.A. Council Resolution #2010-10-150.

The Saxman I.R.A. Council will patiently await a status report upon your review. Thank you for your time and effort.

Sincerely,

Lee Wallace
President

copy/file: Saxman I.R.A. Council

ORGANIZED VILLAGE OF SAXMAN
SAXMAN I.R.A. COUNCIL

ROUTE 2, BOX 2 – SAXMAN, KETCHIKAN, ALASKA 99901 · FAX: (907) 247-2504 · PHONE (907) 247-2502

RESOLUTION #2010-10-150

A RESOLUTION BY THE ORGANIZED VILLAGE OF SAXMAN, SAXMAN I.R.A. COUNCIL TO REQUEST THE SECRETARY TO AUTHORIZE THE CALLING OF AN ELECTION ON SAXMAN CONSTITUTION AND BY-LAWS AMENDMENTS AS PRESCRIBED IN CODE OF FEDERAL REGULATIONS, TITLE 25, PART 81.

WHEREAS, the Organized Village of Saxman is a duly constituted Indian Tribe organized pursuant to the authority of the United States Congress by the Indian Reorganization Act, and such legislation of June 8, 1934, as the Tribe's governing body; and

WHEREAS, the Saxman I.RA. Council is authorized by the Organized Village of Saxman Constitution and By-laws approved on October 18, 1940 by the Secretary of Interior, and ratified on January 14, 1941, as the Organized Village of Saxman governing body; and

WHEREAS, the Organized Village of Saxman is the federally recognized Indian Tribe whose governing body is the Saxman I.R.A. Council, who has the authority to represent and act in all matters that concern the health, education, and welfare of the Native people who reside in the Village of Saxman; and

WHEREAS, the Organized Village of Saxman is a federally recognized Tribe, and is empowered under it constitution to execute agreements and contracts with the United States and other entities to benefit its members; and

WHEREAS, the Organized Village of Saxman understands that according to Code of Federal Regulations, Title 25, Part 81, the Secretary shall authorize the calling of an election on amendments to a constitution and bylaws when requested pursuant to the amendment article of those documents; and

WHEREAS, the Organized Village of Saxman submits a proposed revision to the current 1962 Constitution and By Laws with a clean version of the proposed revised organic documents attached which reads exactly the way the Saxman I.R.A. Council wants the **2010 *AMENDED CONSTITUTION AND BYLAWS* OF THE *ORGANIZED VILLAGE OF SAXMAN*** to read; and

WHEREAS, the Organized Village of Saxman has an adopted and approved constitution pursuant to the relevant Federal Statute, and the above stated amendment provisions have become outdated and are not effective.

NOW THEREFORE BE IT RESOLVED that the Organized Village of Saxman, in accordance to the Code of Federal Regulations, Title 25, Part 81 formally requests assistance from the Department of Interior to cooperate with and offer advice and assistance for the adoption and approval of two constitution amendments.

BE IT FINALLY RESOLVED that the Organized Village of Saxman requests the Secretary to authorize the calling of an election on amendments to the Saxman Constitution and By-Laws as prescribed in the Code of Federal Regulations, Title 25, Part 81.

CERTIFICATION:
PASSED and **APPROVED** by a duly constituted quorum of the Saxman I.R.A. Council on the twentieth day of September 2010 by a vote of **5 YES** votes, **0 AGAINST** votes, and **0 ABSTAINING**.

Lee Wallace
Lee Wallace, Saxman I.R.A. Council President — Date: 9/21/2010

ATTESTED:

Harvey Shields
Harvey Shields, Saxman I.R.A. Council Secretary — Date: 9-21-10

CONSTITUTION AND BY-LAWS OF THE ORGANIZED VILLAGE OF SAXMAN

History

Enacting:

Indian Reorganization Act of June 1934 (48 Stat. 984)
Alaska Reorganization Act (49 Stat. 1250)

Amending

Amend II, (x/xx/xxxx) Requesting Resolution 2010-10-150, Secretary of Interior
Amend I (3/6/1962), Requesting Resolution 60-1, Secretary of Interior

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS
OF THE
ORGANIZED VILLAGE OF SAXMAN

PREAMBLE

We, the citizens of the Organized Village of Saxman do establish this Constitution and By-Laws for the people of this Nation, in order to affirm our sovereign powers of self-government, to preserve, protect and build upon our unique and distinctive culture and traditions, to conserve our common resources, to establish a responsive form of government, to provide for the free expression of our people, to promote the rights, education, and welfare of the present and future generations of our people and to show our gratitude to God our Maker. The sovereign powers, authority, and jurisdiction of the Organized Village of Saxman and of its government shall extend to the Indians having a common bond of residence in the Village of Saxman in Saxman, Alaska. This Constitution and By-Laws as created and adopted by the Indians of the Organized Village of Saxman, in accordance with and by the authority of the Acts of Congress of June 18, 1937 (48 Stat. 984), and May 1, 1936 (49 Stat. 1250) shall supersede any previous ratified amendments.

ARTICLE I-NAME

SECTION 1. The name of this organization shall be the Organized Village of Saxman, hereinafter referred to as the Village.

ARTICLE II-MEMBERSHIP

SECTION 1. The citizens of this Village shall be as follows:

(a) All persons whose names appear on the roll of those entitled to vote on the adoption of this Constitution and By-laws, consisting of the residents of this Village, as provided in Article VI, Section 2, of the By-laws. Within one year from the approval of this Constitution the Council elected under this Constitution may make corrections in this roll.

(b) All children both of whose parents are enrolled citizens of the Village.

(c) All children one of whose parents is an enrolled citizen of the Village and has a permanent home in the Village at the time of the adoption of the Constitution or of the birth of the children.

(d) All other persons of Indian blood who are adopted by the Council.

SECTION 2. All citizens and their minor children who cease to make a permanent home in the Village shall cease to be citizens of this Village until they resume their residence.

SECTION 3. All citizens and their minor children who are dual enrolled shall cease to be citizens of the Village until they dis-enroll from such Tribe with the exception of a regional Tribe.

SECTION 4. The Council may make rules and regulations governing the enrollment and adoption of citizens and the conditions under which a citizen may abandon his enrollment, or having abandoned it, be readmitted to enroll.

SECTION 5. *Definition of Residence:* A person shall be considered a resident of the Village if they are physically present for not less than 90 continuous days maintaining a home within the Village and who intends to remain and make their true and permanent home in the Village, or in any area in the vicinity of Saxman, which may be reserved or otherwise acquired for the use of the Indians of the Village.

ARTICLE III-THE GOVERNING BODY

SECTION 1. The governing body of this Village shall be the Saxman Tribal Council composed of the president and six (6) members elected by the citizens of the Village who are 18 years of age and older.

SECTION 2. Council members shall be elected on the annual election date and shall serve for a period of two years or until their successors are elected and qualify. Vacancies may be appointed and approved according to the election ballots by the highest vote getter and their acceptance or by appointment from candidates submitting "Letters of Interest" to fill an unexpired term.

SECTION 3. The president shall be elected to serve for a term of three (3) years.

SECTION 4. The first regular Council elected under this Constitution shall divide itself into two equal groups "A" and "B" by drawing lots, whereupon the term of office of those in group "A" shall terminate on the election date of each even-numbered year and the term of those in group "B" shall terminate on the election date of each odd-numbered year. Thereafter each member of the Council shall serve two years. The president term will not coincide with group "A" or "B" and shall hold office until their successor has been certified and seated.

SECTION 5. Each Council member shall be inaugurated as the first order of business at the first regular Council meeting following his/her election and his/her term shall commence upon inauguration.

SECTION 6. The Council shall organize itself within 30 days after each annual election date by selecting from within the Council, a vice president, a secretary, a treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

ARTICLE IV-ELECTIONS

SECTION 1. The annual election date shall be the first Tuesday in November. Notices of the election shall be posted at the direction of the Council in at least two public places in the Village and at least ten (10) days prior to the dates of the elections.

SECTION 2. Any adult citizen of this Village shall have the right to vote.

SECTION 3. All elections shall be by secret ballot and shall be held in accordance with the rules and regulations adopted by the Council.

SECTION 4. The Council shall enact an election ordinance, consistent with this Constitution, setting forth the procedures to be followed in conducting each of the various types of Tribal elections called for in this Constitution. The ordinance shall include mandatory provisions for secret balloting, voter registration, maintaining a current list of qualified voters, absentee voting, screening of prospective candidates, and settling election disputes. Further, the ordinance shall spell out the procedure and format to be used whenever it is necessary to submit petitions and describe how such petitions are to be determined valid.

SECTION 5. It shall be the duty of the Council secretary to notify each person of his/her election within five days thereafter, and to inquire if he/she will accept the term of office as elected.

ARTICLE V-POWERS

SECTION 1. The Council shall exercise the following powers, subject to any limitations imposed by the statutes or Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution and By-laws.

(a) To negotiate with the Federal and State Governments on behalf of the Village and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Village of Saxman.

(b) To employ legal counsel, the choice of counsel, and fixing of fees.

(c) To manage and control all the economic affairs and enterprises of the Village.

(d) To prevent the sale, disposition, lease or encumbrance of Village land, interest in land or waters or in other assets of the Village without the consent of the Council.

(e) To organize or to charter associations of its citizens for economic purposes and to regulate the same.

(f) To provide for the guardianship of the persons and property of minors and mental incompetents, consistent with State and Federal law.

(g) To levy fees, assessments, and fines on the citizens for Village purposes, and charges on non-citizens for the use of property of the Village, and to provide for the collection thereof.

(h) To provide for filling vacancies in office consistent with this Constitution.

(i) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Village prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(j) To make assignments of Village lands to citizens of the Village in accordance with the custom of the Village or the regulations of the Council.

(k) To protect and preserve the property and natural resources of the Village.

(l) To cultivate Native arts, crafts and culture of the Village.

(m) To aid needy citizens and protect the general welfare all security of the Village.

SECTION 2. The Saxman Tribal Council of the Village of Saxman may exercise such further powers as may in the future be delegated to the Council by citizens of the Village or by the Federal or State Government.

SECTION 3. Any rights and powers previously possessed by the Village of Saxman but not expressly referred to in this Constitution shall not reabridged by this Constitution, but may be exercised by the people of the Village in a referendum vote with the approval of the Secretary of the Interior.

ARTICLE V-BILL OF RIGHTS

SECTION 1. The Council shall not restrict or in any way abridge the rights of its citizens guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

SECTION 2. All citizens of the Village shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of this organization.

ARTICLE VII-REMOVAL OF OFFICERS

SECTION 1. Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse may have his or her seat declared vacant by the Council, whereupon the Council shall fill it as in other vacancies.

SECTION 2. Any member of the Council who is convicted of a felony or any offense involving dishonesty, improper conduct, or gross neglect of duty shall forfeit his or her office including any Tribal, Federal, or State Court for any of the following offenses:

(A) a felony
(B) any sex related crime
(C) drunk and disorderly conduct or its equivalent
(D) three (3) misdemeanors while serving on the Tribal Council
(E) contempt of court
(F) gross neglect of duty or gross misconduct

SECTION 3. Any member of the Council who grossly neglects their duties as a Council member after his or her election shall forfeit their position.

SECTION 4. Any member of the Council who fails to physically reside within Saxman during his or her term of office is a cause for removal.

ARTICLE VIII-RECALL

Upon receipt of a valid petition signed by at least one-third of the registered voters requesting the recall of an individual official holding an elective office, it shall be the duty of the Tribal Council to call a special election to vote on the recall of that official. Such election shall be held within forty-five (45) days of receipt of the valid petition; provided that if the petition is submitted within six (6) months of the next annual election, the Tribal Council may direct that the matter be placed on the ballot for that election. If a majority of those actually voting favor the recall of the official, the office shall be declared vacant and filled in accordance with Article III, Section 2. No individual shall be subjected to recall more than once during his or her term of office.

ARTICLE IX-FEDERATION

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations, and submit its findings to the said Council for appropriate action.

ARTICLE X-AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Village of Saxman voting at an election called for the purpose by the Secretary of the Interior; *Provided*, that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election upon receipt of written resolution signed by a majority of the Council.

BY-LAWS OF THE ORGANIZED VILLAGE OF SAXMAN

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. The President of the Council shall preside over all meetings of the Village and shall exercise the usual duties of President and any others delegated to him or her. The President may vote in all matters coming before the Council with the exception of when a conflict is declared. It shall be the duty of the President to see that all enactments, ordinances, orders, and resolutions are properly enforced. The President shall have the authority to represent the Tribe in discussions with Federal, State, Borough officials and other representatives on any matters that affect the welfare of the Tribe, and will report back to the Council; and that the President's authority to enter into binding agreements on the Tribe's behalf is dependent on a specific expressed delegation of such power by the Council.

SECTION 2. The Council shall elect a Vice President who shall act as President in the absence of the President. The Vice President shall hold the same responsibilities or capacity of the President should the President be absent.

SECTION 3. The Secretary of the Council shall preside at all meetings in the absence of the President and Vice President, shall attest all required documents passed by the Council, and in the absence of the Administrator, he or she shall record the minutes of the meetings. The Secretary shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Village meetings. The Secretary shall forward promptly the record of all minutes of the meetings for correction and approval to the Saxman Tribal Council. The Secretary shall record all rules, regulations, and ordinances in appropriate books, indexing the same and assigning short titles, and may publish the same for the information of the Village.

SECTION 4. The Treasurer of the Council shall be the custodian of all moneys which come under the jurisdiction or control of the Saxman Tribal Council of the Organized Village of Saxman. The Treasurer shall safeguard tribal funds in accordance with the orders and resolutions as directed and authorized by the Saxman I.R.A Council. The Treasurer shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether Village funds or other funds for which the Council is responsible. The Treasurer shall deposit all such funds in such banks or elsewhere as directed by the Council. The Treasurer shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his or her possession or custody. The Treasurer shall not pay out or authorize disbursement of any funds for which he or she is responsible except in the manner authorized by the Council.

SECTION 5. The books and records of the Treasurer for Saxman Tribal Council shall be audited by an independent certified auditor according to the Single Audit: OMB A-133 for tribes expended over $500,000 or more of Federal assistance from Federal funds received for tribal operations. The auditor is responsible for conducting the tribal audit in accordance with Generally Accepted Government Auditing Standards and using the guidance provided by the OMB Circular A-133 and its Compliance Supplement, all of which establish certain rules to follow during the Single Audit.

ARTICLE II-QUALIFICATIONS OF OFFICERS

SECTION 1. No person may be a candidate for a position as a Council executive officer unless he or she meets the qualifications of a voter and who has previously served as a Council member for a minimum of one year.

SECTION 2. No person shall be a candidate for a position on the Council unless he or she is a citizen of the Organized Village of Saxman, as defined by Article II-Membership, Section 4, Definition of Residence, and is 18 year of age or older at the time of election. The Council shall be the sole judge of the qualifications for its own citizens.

SECTION 3. No person shall be eligible to hold office in the Council who has been convicted of a felony. No person who within the past year preceding the election has been convicted of a crime involving moral integrity shall be eligible to hold office in the Council. The following crimes shall be considered crimes involving moral integrity: bribery, embezzlement, extortion, fraud, forgery, dishonesty, perjury, theft, or public intoxication.

SECTION 4. No person shall become a member of the Saxman Tribal. Council if employed by the Organized Village of Saxman.

SECTION 5. Qualifications for Tribal President and Tribal Vice President - The Tribal President and Vice President must be tribal citizens of at least twenty-five (25) years of age upon election, and must actually reside and maintain the principle residence in Saxman for at least one (1) year prior to election and remain in residence throughout the term of office.

SECTION 6. Qualifications for the Council Members - A Council member must be a tribal citizen of at least twenty-one (21) years of age upon election must actually reside and maintain their principle residence within Saxman when elected, and must remain an actual resident of Saxman throughout the term of office.

ARTICLE III-INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

> "I, _____ do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the Organized Village of Saxman against all enemies; and that I will carry out faithfully and impartially the duties of my office to the best of my ability; and that I will promote and protect the best interests of the Organized Village of Saxman, in accordance with this Constitution and By-laws."

ARTICLE IV – CODE OF CONDUCT

Members of the Tribal Council must maintain a high degree of ethical conduct while on the Tribal Council in accordance with the *Code of Conduct*. Council members shall faithfully and diligently discharge duties and responsibilities and exercise ethical conduct in all actions under official Organized Village of Saxman consideration.

ARTICLE V – CONFLICT OF INTEREST

In carrying out the duties of a Council member, no Council member or official, elected or appointed shall make or participate in making decisions which involve balancing a substantial personal financial interest, other than interests held in common by all Tribal citizens against the best interests of the Organized Village of Saxman.

ARTICLE VI-TIME AND PLACE OF MEETING AND ORDER OF BUSINESS

SECTION 1. The Council shall meet for monthly business at a date and time to be determined by tribal resolution.

SECTION 2. Special Meetings may be called by the Saxman Tribal Council at any time they deem necessary by notifying each Council member in an expedient way in advance of the meeting. Inability to notify all members after reasonable efforts shall not prevent such special meeting from occurring provided a quorum is present.

SECTION 3. Notice of Meetings shall be posted in a manner conspicuously visible to the public at all hours in or on the tribal and municipal buildings in the Village prior to regular and special meetings of the Council by written notice to encourage tribal citizens the opportunity to attend.

SECTION 4. A quorum of the Saxman Tribal Council shall consist of three Council members and a President. In the absence of President then the Vice President will serve in the place of the President. The Secretary of the Council shall preside at all meetings in the absence of the President and Vice President.

SECTION 5. The following order of business shall include these items:

Call to Order & Ceremonial Prayer
Roll Call and Announcement of a Quorum
Acceptance of the Agenda
Public Comments
Old Business
New Business
Financial Report
Approval of the Minutes
Reports
Next Meeting Date(s)
President and Council Comments
Adjournment

SECTION 6. When there is no special rule, Robert's Rules of Order shall be the law governing the procedure of the Council.

SECTION 7. Every resolution, after the explanatory clauses shall begin with the words: "Now Therefore be it resolved by that the Organized Village of Saxman, Saxman Tribal Council……".

SECTION 8. All citizens of the Organized Village of Saxman may attend any meetings of the Council, but they may not speak, except by invitation of the Council. Non-citizens may be invited by the Council to attend any meeting and to address it.

ARTICLE VII – SOVEREINTY IMMUNITY

The Organized Village of Saxman hereby declares that in exercising self-determination and its sovereign powers to the fullest extent, the Organized Village of Saxman is immune from suit except to the extent that the Council expressly waives sovereign immunity, or as provided by this Constitution. No tribal employee or Council member acting within the scope of his or her duties or authority is subject to suit.

ARTICLE VIII-DEFINITIONS

SECTION 1. The word "adult" as referred to in Article IV-Elections, Section 3 refers to a person who is 18 years of age or older.

ARTICLE IX-RATIFICATION

This Constitution and By-laws shall be effective when ratified by a majority vote of the Indians having a common bond of residence in the Village of Saxman; Saxman, Alaska, voting at a Secretarial Election called for the purpose by the Secretary of the Interior: *Provided*, that at least 30 percent of those entitled to vote shall vote in such election.

The Indians entitled to vote shall be all those Indians residing in the Village of Saxman whose names appear on a roll of such Indians prepared by the Saxman Tribal Council and according to the procedures found in Code of Federal Regulations 25, Part 81.

This Constitution and By-laws are herewith approved by the Acting Assistant Secretary of the Interior and submitted for ratification by the group of Indians having a common bond of residence in the Village of Saxman; Saxman, Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

W. C. MENDENHALL,
Acting Assistant Secretary

WASHINGTON, D. C., *October 18, 1940.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 18, 1940, by the Acting Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the group of Indians having a common bond of residence in the neighborhood of Saxman, Territory of Alaska, and was on January 14, 1941, duly ratified. by a vote of 31 for and one against m an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

W.G. ANDREWS, *Chairman, Election Board*
JOSEPH C. WILLIAMS, *Secretary, Election Board*
LEONARD C. ALLEN, *Government Representative*

"PRESENT VALID Constitution"

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

✦

CONSTITUTION AND BY-LAWS
OF THE
ORGANIZED VILLAGE OF SAXMAN

✦

RATIFIED JANUARY 14, 1941

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1941

CONSTITUTION AND BY-LAWS OF THE ORGANIZED VILLAGE OF SAXMAN

PREAMBLE

We, the Indians having a common bond of residence in the neighborhood of Saxman, Territory of Alaska, do ordain and establish this Constitution and By-laws in accordance with, and by authority of, the Acts of Congress of June 18, 1934 (48 Stat. 984), and May 1, 1936 (49 Stat. 1250).

ARTICLE I—NAME

SECTION 1. The name of this organization shall be the Organized Village of Saxman, hereinafter referred to as the Village.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of this Village shall be as follows:

(a) All persons whose names appear on the roll of those entitled to vote on the adoption of this Constitution and By-laws, consisting of the residents of this Village, as provided in Article VI, section 2, of the By-laws. Within one year from the approval of this Constitution the Council elected under this Constitution may make corrections in this roll, subject to the approval of the Secretary of the Interior.

(b) All children both of whose parents are enrolled members of the Village.

(c) All children one of whose parents is an enrolled member of the Village and has a permanent home in the Village at the time of the adoption of the Constitution or of the birth of the children.

(d) All other persons of Indian blood who are adopted by the Council.

SEC. 2. All members and their minor children who cease to make a permanent home in the Village shall cease to be members of this Village until they resume their residence.

SEC. 3. The Council may make rules and regulations governing the enrollment and adoption of members and the conditions under which a member may abandon his membership, or having abandoned it, be readmitted to membership, subject to approval by the Secretary of the Interior.

SEC. 4. *Definition of Residence.*

Any person shall be considered a resident of the neighborhood of Saxman who maintains a home within the Village or in any area in the vicinity of Saxman which may be reserved or otherwise acquired for the use of the Indians of the Village.

ARTICLE III—THE GOVERNING BODY

SECTION 1. The governing body of this Village shall be a Council composed of the president and six members, elected by the membership of the village over the age of 21.

SEC. 2. The membership of the Village shall meet on the second Monday in October and third Monday in April of each year, at which time it may increase the size of the Council, or otherwise regulate the size of the Council; *Provided*, That the number is not reduced to less than six; and may attend to such other business as may be lawful.

SEC. 3. Council members shall be elected on the annual election date and shall serve for a period of two years or until their successors are elected and qualify. Vacancies may be filled by the Council but only pending the next meeting of the Village, when a new member shall be elected to fill the unexpired term.

SEC. 4. The president shall be elected annually to serve for a term of one year.

SEC. 5. The first regular Council elected under this Constitution shall divide itself into two equal groups "A" and "B", by drawing lots, whereupon the term of office of those in group "A" shall terminate on the election date of each even-numbered year and the term of those in group "B" shall terminate on the annual election date of each odd-numbered year. Thereafter each member of the Council shall serve two years.

SEC. 6. The Council shall organize itself within 30 days after each annual election date by electing from within its membership a vice president, and from within or without, a secretary, a treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

ARTICLE IV—ELECTIONS

SECTION 1. The annual election date shall be the first Thursday after the third Monday in April.

SEC. 2. Within 60 days after the approval of this Constitution, the Agent in charge of Indian Affairs in Alaska shall call and supervise an election of a Temporary Council to serve until the first regular election under this Constitution.

SEC. 3. Any adult member of this Village shall have the right to vote.

SEC. 4. All elections shall be by secret ballot and shall be held in accordance with the rules and regulations of the Council.

SEC. 5. It shall be the duty of the secretary to notify each person of his election within five days thereafter.

ARTICLE V—POWERS

SECTION 1. The Council shall exercise the following powers, subject to any limitations imposed by the statutes or Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution and By-laws.

(a) To negotiate with the Federal and Territorial Governments on behalf of the Village and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Village of Saxman.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To manage and control all the economic affairs and enterprises

of the Village in accordance with the terms of a charter which may be issued to the Village by the Secretary of the Interior.

(d) To prevent the sale, disposition, lease or encumbrance of Village land, interest in land or waters or in other assets of the Village without the consent of the Council.

(e) To organize or to charter associations of its members for economic purposes and to regulate the same.

(f) To provide for the guardianship of the persons and property of minors and mental incompetents, consistent with territorial and Federal law.

(g) To levy dues, fees, assessments, and fines on the members for Village purposes, and charges on non-members for the use of property of the Village, and to provide for the collection thereof.

(h) To provide for filling vacancies in office consistent with this Constitution.

(i) To advise the Secretary of the Interior with regard to all appropriation estimates for Federal projects for the benefit of the Village prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(j) To make assignments of Village lands to members of the Village in accordance with the custom of the Village or the regulations of the Council.

(k) To protect and preserve the property and natural resources of the Village.

(l) To cultivate native arts, crafts and culture of the Village.

(m) To aid needy members and protect the general welfare and security of the Village.

SEC. 2. The Council of the Village of Saxman may exercise such further powers as may in the future be delegated to the Council by members of the Village or by the Federal or Territorial Government.

SEC. 3. Any rights and powers previously possessed by the Village of Saxman but not expressly referred to in this Constitution shall not be abridged by this Constitution, but may be exercised by the people of the Village in a referendum vote with the approval of the Secretary of the Interior.

ARTICLE VI—BILL OF RIGHTS

SECTION 1. The Council shall not restrict or in any way abridge the rights of its members guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

SEC. 2. All members of the Village shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of this organization.

ARTICLE VII—REMOVAL OF OFFICERS

SECTION 1.

(a) Any member or officer of the Council who is convicted of a felony or any offense involving dishonesty shall forfeit his office;

(b) Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council, whereupon the Council shall fill it as in other vacancies.

Article VIII—Federation

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations, and submit its findings to the said Council for appropriate action.

Article IX—Amendments

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Village of Saxman voting at an election called for the purpose by the Secretary of the Interior; *Provided*, That at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election upon receipt of written resolution signed by a majority of the Council.

BY-LAWS OF THE ORGANIZED VILLAGE OF SAXMAN

Article I—Duties of Officers

Section 1. The President of the Council shall preside over all meetings of the Village and shall be chairman of the Council exercising the usual duties of chairman and any others delegated to him. He may vote in Council meetings only in case of a tie or where the vote is by ballot.

Sec. 2. The Council shall elect a Vice President who shall act as president in the absence or disability of the President.

Sec. 3. The Secretary of the Council shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Village meetings. It shall be his duty to forward promptly to the Government Representative at Saxman, for inspection and forwarding to the Juneau Office of the Office of Indian Affairs, two copies of all minutes of all regular and special meetings of the Council or Village.

The Secretary shall record all rules, regulations, and ordinances in appropriate books, indexing the same and assigning short titles, and may publish the same for the information of the Village.

Sec. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether Village funds or other funds for which the Council is responsible. He shall deposit all such funds in such banks or elsewhere as directed by the Council. He shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except in the manner authorized by the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and acceptable to the Juneau Office of the Office of Indian Affairs, and at such other times as the Council shall direct. He shall direct the auditor in writing to send two copies of his report to the Government

Representative at Saxman. He shall also send two copies of his trial balance once each month to the Government Representative at Saxman, for inspection and forwarding to the Juneau Office.

The Treasurer shall be required to give bond satisfactory to the Council and until he does so all money shall be deposited according to the direction of the Juneau Office of the Office of Indian Affairs. The Treasurer shall be present at all special or regular meetings of the Council. The Treasurer may with the advice and consent of the Council appoint assistants.

SEC. 5. The duties of all appointive officers or agents shall be clearly defined by resolution of the Council at the time of their appointment.

ARTICLE II—QUALIFICATIONS OF OFFICERS

No person may be a candidate for any elective office unless he has the qualifications of a voter.

ARTICLE III—INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, ———— ————, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office as ———— to the best of my ability; that I will promote and protect the best interests of the Organized Village of Saxman, in accordance with this Constitution and By-laws."

ARTICLE IV—TIME AND PLACE OF MEETING AND ORDER OF BUSINESS

SECTION 1. The Council shall meet on the first Monday of each month at 7:30 p. m., unless otherwise ordered by resolution, and may meet at such other times as may seem desirable to the Council.

SEC. 2. A number equal to one-half of the entire membership of the Council exclusive of the President shall constitute a quorum.

SEC. 3. The following shall be the order of business unless changed by or with the consent of the Council, namely:

Call to order by the President;
Roll Call;
Announcement of quorum;
Reading the minutes of the last meeting;
Correction or approval of the minutes of last meeting;
Treasurer's report;
Report of Committees;
Unfinished business;
New business;
Adjournment.

SEC. 4. When there is no special rule, Robert's Rules of Order shall be the law governing the procedure of the Council.

SEC. 5. Every resolution, after the explanatory clauses, shall begin with the words: "Be it resolved by the Council of the ————".

ARTICLE V—DEFINITIONS

SECTION 1. Whenever the term Government Representative at Saxman is used it shall be understood to mean the representative of the Department of the Interior, Office of Indian Affairs, or any successor official representing the Office of Indian Affairs at Saxman.

SEC. 2. Where the masculine pronoun is used it shall be understood to include the feminine.

SEC. 3. The word "adult" means a person who is 21 years of age or over.

ARTICLE VI—RATIFICATION

This Constitution and By-laws shall be effective when ratified by a majority vote of the Indians having a common bond of residence in the neighborhood of Saxman, Territory of Alaska, voting at an election called for the purpose by the Secretary of the Interior: *Provided*, That at least 30 percent of those entitled to vote shall vote in such election.

The Indians entitled to vote shall be all those Indians residing in the Village of Saxman whose names appear on a roll of such Indians prepared under the Instructions of the Secretary of the Interior.

This Constitution and By-laws are herewith approved by the Acting Assistant Secretary of the Interior and submitted for ratification by the group of Indians having a common bond of residence in the neighborhood of Saxman, Territory of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

W. C. MENDENHALL,
Acting Assistant Secretary.

WASHINGTON, D. C., *October 18, 1940.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 18, 1940, by the Acting Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the group of Indians having a common bond of residence in the neighborhood of Saxman, Territory of Alaska, and was on January 14, 1941, duly ratified by a vote of 31 for and one against in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

W. G. ANDREWS,
Chairman, Election Board.
JOSEPH C. WILLIAMS,
Secretary, Election Board.

LEONARD C. ALLEN,
Government Representative.

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AMENDMENT
CONSTITUTION AND BYLAWS
of the
ORGANIZED VILLAGE OF SAXMAN

AMENDMENT I

Article III, Sections 2 and 3, shall be amended to read as follows:

"Sec. 2. The membership of the Village shall meet twice each year, at times and places designated by the Council, within the following periods. One meeting shall be held between August 1 and December 1, at which the adult members of the Village shall make nominations and determine the candidates for election to the Council; and the other meeting shall be held between February 1 and June 1. One-third of the adult members of the Village shall constitute a quorum at any meeting of the membership of the Village. Notices of meetings of the Village shall be posted at the direction of the Council in at least two public places in the Village at least ten (10) days prior to the dates of the meetings called.

The Village may, at either of the above-mentioned meetings, increase the size of the Council, or otherwise regulate the size of the Council; provided, that the number is not reduced to less than a president and six members; and may attend to such other business as may be lawful.

Sec. 3. Council members shall be elected at an annual election, the date of which shall be set by the Council, as a time following the nominating meeting, but not later than December 15 in any year. Council members, except when appointed or elected to fill vacancies, shall serve for a term of two years, beginning January 1 of the year following either election, and until their successors are elected and qualify. Vacancies may be filled by the Council, but only pending the next meeting of the Village when the membership may either confirm the appointment of the Council or elect a new Council Member to fill the unexpired term. The terms of Council Members shall end on December 31 unless their successors have not been elected or have not qualified."

Article IV, Section 1, shall be amended to read as follows:

"Section 1. The annual election date shall be established by the Council in accordance with Article III, Section 3, of this constitution as amended. Notices of the elections shall be posted at the direction of the Council in at least two public places in the Village and at least 15 days prior to the dates of the elections."

This amendment is herewith approved by the Assistant Secretary of the Interior and submitted for ratification by the adult members of the Organized Village of Saxman, Alaska, in an election called and held pursuant to Article IX of its Constitution and pursuant to the "Instructions for Organization in Alaska, etc.," approved by the Secretary of the Interior on December 22, 1937.

/S/ John A. Carver
Assistant Secretary of the Interior

February 1, 1962
Washington, D.C.

CERTIFICATION OF ADOPTION

Pursuant to an order approved February 1, 1962, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and Bylaws of the Organized Village of Saxman was submitted to the qualified voters of the Organized Village of Saxman and was on March 6, 1962, duly ratified ~~rejected~~ by a vote of 40 for and none against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

/s/ Joseph Williams
President of the Organized Village of Saxman

/s/ Josephine E. Peck, Sec'y IRA
Secretary of the Organized Village of Saxman

Robert L. Bennett
Area Director, Juneau Area Office

Tribal Programs
317-62

INDIAN

(In the will Jan 22, 1962)
February 1, 1962

Airmail

Dear Mr. Bennett:

Your letter of January 8, 1961, transmitted a resolution adopted by the Council of the Organized Village of Saxman requesting a Secretarial election to amend the Saxman Constitution and Bylaws.

I have examined and found to be in order the proposed changes set forth in Resolution 60-1, which would amend **Article III**, **Sections 2 and 3**, and **Article IV**, **Section 1**, of the Saxman Constitution. However, since the constitution makes exclusive reference to the Village of Saxman for the sake of consistency I have substituted the word village for the word community wherever it appeared in the amendment proposed by the resolution.

I accordance with the terms of Section 1 of the Alaska Reorganization Act (49 Stat. 1250) and of Section 16 of the Indian Reorganization Act (48 Sat. 984), as amended, and the request of the Saxman Council, I hereby approve the enclosed amendment and authorize you to call an election to enable the qualified voters of the Organized Village of Saxman to ratify it. The amendment shall become effective immediately upon ratification by a majority of adult members voting in the election, provided at least thirty percent of those entitled to vote do so. The election shall be held in accordance with the "Instructions for Organized in Alaska" approved by the Secretary on December 22, 1937. Absentee ballots need not be sworn to before a notary public or other official authorized to administer oaths.

A copy of the amendment, if ratified, should be returned to the Commissioner of Indian Affairs with the enclosed certification, executed by the proper officials, showing the date and results of the election. The original of the amendment should be retained for safekeeping.

Sincerely yours,

Signed by /S/ John A. Carver

Assistant Secretary of the Interior

Mr. Robert L. Bennett
Area Director
Bureau of Indian Affairs
Juneau, Alaska

Enclosures

cc: Secretary's reading file
Surname
Chromy (this word may be misspelled)
Mailroom
Holdup
FMillermjw 1/19/62